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Thirteenth session

SUMMARY RECORD OF THE 254th MEETING

Held at Headquarters, New York,
on Wednesday, 2 February 1994, at 10 a.m.

Chairperson: Ms. GARCIA-PRINCE
(Vice-Chairperson)

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In the absence of Ms. Corti, Ms. Garcia-Prince (Vice-Chairperson) took the Chair.

The meeting was called to order at 10.25 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

Special report of the Federal Republic of Yugoslavia (Serbia and Montenegro) (CEDAW/C/YUG/SP.1)

1. The CHAIRPERSON recalled that, at its twelfth session in 1993, the Committee had decided, inter alia, that it should, "pursuant to article 18 of the Convention, request the States of the territory of the former Yugoslavia to submit a report or reports on an exceptional basis and that such a report or reports should be considered at the next meeting. In addition, the Committee put on record its commitment to look into similar grave violations of rights being experienced by women in any part of the world".

2. In accordance with the practice of other human rights treaty bodies, the Committee, deeply concerned at recent and current events in the territory of the former Yugoslavia affecting the human rights of women protected under the Convention, having noted that all the women within the territory of the former Yugoslavia were entitled to the guarantees of the Convention, finding that the new States within the boundaries of the former Yugoslavia had succeeded to the obligations of the former Yugoslavia under the Convention, and acting under article 18 of the Convention, had requested certain States within the territory of the former Yugoslavia, in particular the Governments of Bosnia and Herzegovina, the Republic of Croatia, and the Federal Republic of Yugoslavia (Serbia and Montenegro) to submit reports on an exceptional basis within the mandate given by the previous session of the Committee.

3. At the invitation of the Chairperson, Ms. Arsenic, Ms. Nikolic and Mr. Djordjevich (Federal Republic of Yugoslavia (Serbia and Montenegro)) took places at the Committee table.

4. Ms. ARSENIC (Federal Republic of Yugoslavia (Serbia and Montenegro)), introducing her country's special report (CEDAW/C/YUG/SP.1), said that it was a follow-up to the report of the Socialist Federal Republic of Yugoslavia considered at the 1991 session of the Committee, in so far as that report had related to the Republics of Serbia and Montenegro, now constituent republics of the Federal Republic of Yugoslavia.

5. Her country had embarked upon reforms leading to a market economy, including the establishment of private companies, the privatization of housing, the return of nationalized land to peasants, the liberalization of foreign trade and international business cooperation. However, events in the past few years had disrupted that process. With the disintegration of the Socialist Federal Republic of Yugoslavia, caused by the secession of Slovenia and Croatia, the national economy had declined.

(Ms. Arsenic, Federal Republic of Yugoslavia (Serbia and Montenegro))

6. As a result of the civil war in the former republic of Bosnia and Herzegovina, some 600,000 refugees had fled to Serbia and Montenegro. Refugees constituted 6 per cent and 11 per cent of the population of Serbia and Montenegro, respectively; over 95 per cent of the refugees were housed with host families rather than in collective centres. The solidarity of the Yugoslav people, regardless of nationality, with the refugees from the former Yugoslav republics of Bosnia and Herzegovina and Croatia, among them Serbs, Muslims, Croats and others, had been noted by the United Nations High Commissioner for Refugees. It had also placed a great strain on the host families' budgets and on national social services, which were already heavily burdened. Food, medicines, clothing, bed linens, shoes, textbooks and education would need to be provided by a system already beset by acute shortages.

7. Unjustly blamed for the onset of the Yugoslav crisis, and for the war and alleged aggression in Bosnia and Herzegovina, Yugoslavia had experienced a blockade unprecedented in the history of international relations. The sanctions imposed under Security Council resolutions 757 (1992), 787 (1992) and 820 (1993) had had devastating economic, social, humanitarian and other consequences. The total economic losses so far exceeded $25 billion, and the Yugoslav economy had declined to the levels of the 1960s.

8. The gross national product (GNP) in 1993 had declined, compared to 1991, from $25 billion to $13 billion; total output had fallen drastically, while per capita GNP had declined from $2,330 in 1991 to $300 at the end of 1993, and would decline further if the sanctions continued in 1994. Twenty-five per cent of the population was living below the poverty line. Since December 1992, living costs had risen 166 times and wages only 56 times. Pensions and minimum pay were now below $10 per month, barely enough to cover utility bills. The rampant inflation in 1993, calculated to be running at 1 per cent per hour or 1 billion per cent per year, had reduced the living standards of the population still more dramatically.

9. With the disintegration of the Socialist Federal Republic of Yugoslavia, the national health care services had lost 60 per cent of their medicines and supplies, which had been provided by the former Yugoslav republics. During 1992, the situation of health care had deteriorated drastically as a result of the embargo against Yugoslavia, even though medical supplies were explicitly exempt from the sanctions regime. Her country, which was highly dependent on international trade and services, had been deprived of imported medicines, precursors, equipment, spare parts for medical equipment, some vaccines, laboratory solutions and other disposable medical supplies. Humanitarian aid, insufficient as it was, was impeded by slow administrative procedures. Both the Under-Secretary-General for Humanitarian Affairs and the Director-General of the World Health Organization had made the Secretary-General aware of the catastrophic consequences of the sanctions for the civilian population, especially vulnerable groups, in Serbia and Montenegro, and had appealed for urgent humanitarian action.

(Ms. Arsenic, Federal Republic of Yugoslavia (Serbia and Montenegro))

10. Some countries had gone beyond the requirements of the Security Council resolutions and had failed to deliver medical supplies, including prepaid or contracted deliveries, while others had offered more expensive semi-manufactured and manufactured products instead of precursors. As a result, health services had been curtailed sharply, leading to an increase in disease and morbidity and, in particular, mortality among young children and the elderly. The mortality rate had risen among infants, and patients suffering from chronic and acute diseases who could not be treated owing to the lack of medicines, surgical materials, diagnostics, and so on. The problem of acquired immune deficiency syndrome (AIDS) had become pressing, owing to the shortage of diagnostic tests, which were entirely imported, and materials to prevent its spread. The reduction in basic health care for women was reflected in the lack of contraceptives, in the fact that abortions were performed without anaesthetic, and in complications during pregnancy, miscarriages, deliveries at home and lack of basic hygienic items.

11. Mortality of both mothers and babies during delivery had increased. The number of cases in which mothers had died from complications of childbirth had increased from 12 in 1992 to 19 in 1993. In such distressing conditions, it was ironic to recall the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights, which recognized the right of everyone to a standard of living adequate for the health and well-being of himself and his family.

12. International humanitarian law and the Geneva Conventions of 12 August 1949 had been established to prevent the suffering of innocent people in situations where unresolved political and economic problems flared into armed conflicts. She failed to understand how a democratic international community could approve and apply, as an instrument of political pressure designed to achieve peace, measures which brought hunger, misery, disease and death to Yugoslav children.

13. Extreme psychiatric problems had resulted from permanent stress and fear for the future, problems of survival, the destruction of homes and the separation of families in a disintegrated country with an enormous number of mixed marriages.

14. Violence was one of the responses to fear; alcoholism was a contributing factor. The S.O.S. telephone call service in Yugoslavia had drawn attention to the growing phenomenon of violence against women. During the three years of operation of the service, 5,000 instances of violence had been recorded in Belgrade - physical, sexual, verbal and emotional abuse of women and children and harassment and intimidation of women at their workplaces. In 38 per cent of the cases the perpetrators of violence were alcoholics. The victims of violence belonged to all social strata, educational levels, age groups and professions. Aberrant and violent sexual behaviour had occurred in all known wars thus far, and was far from characteristic of the war in the former Bosnia and Herzegovina alone.

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15. Her Government firmly believed that the abuse and rape of women and children were crimes that should be condemned in the strongest terms wherever they occurred, and that the perpetrators, whoever they were, should be punished. Accordingly, it was cooperating actively with the Commission of Experts established pursuant to Security Council resolution 780 (1992), which was charged with investigating the facts and collecting the necessary information so that those responsible would be brought to justice. Her Government also believed that such inquiries would help to dispel the biased and false allegations as to the nationality of both the perpetrators and the victims of rape in the territory of the former Yugoslavia.

16. As indicated on pages 9 and 10 of the English version of document CEDAW/C/YUG/SP.1, relating to the physical and mental rehabilitation of the victims of sexual abuse committed in the war-torn areas, the State Commission for War Crimes and Crimes of Genocide had collected information on the victims of such crimes. In addition, the Commission for Monitoring Sexual Abuse of Women, Children and Men in the Conditions of War had been set up within the Federal Ministry of Labour, Health, and Social Policy. The majority of such victims were Serb women refugees from the former Bosnia and Herzegovina and Croatia. The Commission was composed of experts, gynaecologists, psychiatrists and psychologists; there was no discrimination in its work based on nationality.

17. According to expert and scientific sources, the interrogation of a sample of women of Serb nationality hospitalized in the gynaecological and psychiatric clinics in Belgrade had revealed that they had been victims of persecution, detention and various forms of sexual and physical torture. About 30 patients admitted to a neuropsychiatric hospital had said that, in addition to other forms of ill-treatment and abuse in various camps for Serbs, they had also been raped. However, after hospitalization, some of them had withdrawn their statements. All of the women who had become pregnant as a result of rape had been examined and provided with psychiatric treatment. For cultural reasons, the women were unwilling to admit that they had been raped, and some had come to the hospital only when their pregnancies had reached the stage at which they could no longer obtain an abortion upon request.

18. Instead of counting the number of rape victims and attempting to establish which side had suffered greater hardships, or to determine the nationality of the rapists and their victims, international bodies should assist women who had been raped to cope and to regain confidence in themselves and others.

19. Ms. NIKOLAEVA said that she wished to extend solidarity to all of the women within the territory of the former Yugoslavia who were facing ruthless punishment as a result of the protracted conflict. Violence was occurring in all States within the territory of the former Yugoslavia, and it was the Governments which were responsible.

20. The effectiveness of outside intervention in the conflict was unclear. Despite numerous meetings and intensive negotiations, no solution had been

(Ms. Nikolaeva)

reached, and the conflict had increased in scale. She appealed to the women of the countries concerned to demonstrate political will and to engage in concerted action to bring an end to the conflict.

21. As indicated on pages 21 to 25 of the English version of document CEDAW/C/YUG/SP.1, the difficult economic situation had been exacerbated by the sanctions against the Federal Republic of Yugoslavia. The ever-greater number of bankruptcies had thrown the problem of unemployment into sharp relief. Women accounted for 53.7 per cent of the unemployed. Pensions were so low that suicide among pensioners was increasing. Women were afraid to exercise their right to maternity leave. Food costs were increasing and child-care communities were unable to cope with the growing costs of running child-care services. In view of that situation, she would appreciate it if the Yugoslav representatives could explain what specific demands they were addressing to the international community.

22. Ms. OUEDRAOGO said that submission of the report by the Federal Republic of Yugoslavia indicated a desire for dialogue on the part of the Government. The tragic situation obtaining in Yugoslavia, with the perpetuation of injustices against vulnerable groups, offered an example of why the Convention existed. Women were suffering immense problems as a result of sexual abuse and detention. A concomitant factor was the spread of AIDS, which was likely to surface after the war as a major health problem. As a result of the conflict the position of women in detention had become even more marginalized, and many would suffer problems of rehabilitation. Those issues must be given priority, in particular in terms of promoting the economic independence of women through providing jobs, which helped to bolster their position in society. In rural areas, where problems were likely to be still more acute, there was a particular need for consciousness-raising and for family-planning programmes.

23. Ms. TALLAWY said that the report submitted by Yugoslavia on an exceptional basis did not meet the Committee's requirements, in that it essentially followed the standard format. The Committee had made its request for a special report because of the conflict in the country. The oral presentation, at least, had been more in line with the Committee's request.

24. The Committee sympathized with the situation of all women affected by the conflict and the economic sanctions, which harmed people more than Governments. The systematic use of rape as a weapon of war and of ethnic cleansing gave great cause for concern. It was difficult to understand how such events could take place in a country with Yugoslavia's heritage. She appealed to the women of Yugoslavia to educate the men of that country to stop violence against women, which she strongly condemned. A campaign to protect women must be initiated.

25. Ms. BRAVO DE RAMSEY said that women on all sides of the conflict were victims of the terrible suffering caused by the war, and specifically of rape and torture. She appealed for the triumph of peace in Yugoslavia.

26. Ms. AYKOR said that the Committee had asked for a special report because of the exceptional situation in Yugoslavia and the serious incidence of violence against women. It was clear that their situation was parlous, and had been made worse by the imposition of sanctions by the international community, which affected vulnerable groups first. The statement in the report that rape was a phenomenon accompanying any war and the implication that that was normal were highly objectionable and immoral. It was completely inadmissible to use rape as a weapon. The Government must take action on cases of rape and violence and must ensure that there was no discrimination against any ethnic group if it was to comply with the provisions of the Convention.

27. She wished to receive information about the number of prostitutes in Yugoslavia and how they were treated. Many Yugoslav women had travelled to neighbouring countries to operate as prostitutes, in which connection she asked what action the Government was taking, and whether there was any correlation between the incidence of rape and of prostitution.

28. Ms. SCHOPP-SCHILLING said that the written report submitted to the Committee did not comply with its requirements.

29. She welcomed the establishment of the Commission for Monitoring Sexual Abuse of Women, Children and Men in the Conditions of War, but noted that the government interpretation of the nature of the war might result in its being prolonged and that under no circumstances could there be any justification for the use of rape as a weapon. The question of refugees must also be addressed, and in particular she wished to know whether problems had been caused by refugees of one religious persuasion being housed with families of another. Similarly, she wished to know whether the Commission for Monitoring Sexual Abuse took account of religious differences in its treatment of victims. She also asked for information on the activities of women's peace groups in Yugoslavia. Lastly, she appealed for an end to the war and the consequent suffering of women.

30. Ms. ABAKA said that rape was the worst kind of violence against women. She noted from the report that there were at least some indications of respect for life and that women were receiving treatment without regard to ethnic considerations. She also noted the existence of women's peace groups in Yugoslavia and appealed for the fostering of awareness of the impact of rape and violence as the result of the conflict. All women who suffered rape and violence were victims, without regard to ethnicity, and women must organize to bring the war to an end.

31. Ms. BUSTELO said it was regrettable that, despite the great effort that had been made to prepare it, the report of the Federal Republic of Yugoslavia (Serbia and Montenegro) did not provide all the information requested by the Committee, especially information relating to Committee recommendations, in particular recommendation 19. For example, the report had not clearly distinguished among rapes that were attributable to economic and social factors, rapes committed by Yugoslav soldiers in the war and rapes committed by the soldiers of other parties to the conflict. It was important for the Committee to have specific and detailed information on questions such as rape, since it

(Ms. Bustelo)

had not previously had occasion to examine reports submitted by States involved in armed conflict. In particular, the Committee needed additional detailed information regarding changes in the situation in the former Yugoslavia since the first allegations of rape had surfaced. Allegations of mass rapes in the former Yugoslavia had not emerged suddenly; rather, they were the product of an intensive effort by women's organizations and other groups, some of which, it must be admitted, had political or propagandistic objectives. In view of the unprecedented level of outrage provoked by those allegations, she would like to know what specific measures the Government of the Federal Republic of Yugoslavia had taken in response.

32. The members of the Committee were fully aware of the extent of the atrocities inflicted upon women throughout the history of warfare. Perhaps, if women could have greater access to decision-making positions in Governments throughout the world, those atrocities would not occur so frequently. In that connection, she appealed to women in all of the States of the former Yugoslavia to organize themselves with a view to pressing their Governments to reach a peaceful settlement to the conflict.

33. Ms. LIN Shangzhen extended her deepest sympathies to all the women of the former Yugoslavia for the suffering they had experienced as a result of the war. She believed that the Committee and the international community should show their concern by offering assistance to those women. Also, she hoped that the parties to the conflict would make every effort to arrive at a peaceful settlement.

34. Ms. UKEJE said she supported the expressions of sympathy of previous speakers regarding the plight of women in the territory of the former Yugoslavia and called upon all the parties concerned, including the international community, to intensify their search for a settlement to the conflict, which would pave the way for reconciliation between the parties and reconstruction of their territories. Also, she shared the views of Ms. Abaka and Ms. Bustelo on the need for women to organize themselves with a view to exerting influence in favour of a peaceful settlement.

35. Ms. CARTWRIGHT expressed her deep sorrow at the plight of women in the former Yugoslavia. As previous speakers had noted, it was men who started wars and women who paid the price. In the current conflict in the former Yugoslavia, the only way to spare women and children further physical, emotional and economic suffering would be for the war to stop. She found it impossible to believe that the women of Yugoslavia wished for the war to continue, given the consequences for the Yugoslav people, especially women and children. In that connection, she wished to know whether women played an active role in the peace talks, and to what extent they would be involved in decision-making processes relating to the post-war reconstruction of the country. Lastly, she joined with previous speakers in urging the women of the former Yugoslavia to press their Governments to make peace.

36. Ms. ARSENIC (Federal Republic of Yugoslavia (Serbia and Montenegro)) expressed her gratitude for the statements of solidarity with the women in her country. In regard to the Committee's questions concerning the statement in paragraph 5 of the report, namely, that rape was "a phenomenon accompanying any war", she hoped the Committee had not interpreted that phrase to mean that the Government of the Federal Republic of Yugoslavia believed rape was normal. In fact, her Government strongly condemned those responsible for rapes, wherever they occurred. In making the statement that rape was a "phenomenon accompanying any war", the report was merely stating a lamentable fact.

37. She believed it was her personal and professional duty to state for the record that the Federal Republic of Yugoslavia (Serbia and Montenegro) was not a party to the conflict in Bosnia and Herzegovina, which was, in fact, a civil war between the three constituent peoples. However, her Government was making a tremendous effort to bring to bear whatever form of pressure it could in favour of a successful conclusion to the peace negotiations. Moreover, Yugoslavia had been assisting refugees from the war, many of them women, children and the elderly, who were fleeing to her country in large numbers. Croat and Muslim refugees were receiving services from the Yugoslav Government on an equal basis with Serbians. On the question of economic sanctions, she said that, as a legal matter, once the army of the former Socialist Federal Republic of Yugoslavia had withdrawn from Bosnia and Herzegovina, the need for punitive measures against her Government had ceased.

38. The women of Yugoslavia were taking active steps to push the Government towards exerting its influence in favour of a peaceful settlement of the conflict in Bosnia and Herzegovina. Efforts were being made to develop contacts between Yugoslavian women's organizations and international non-governmental organizations (NGOs) with a view to expanding the peace effort. However, to date, those contacts remained limited, partly as a result of the sanctions regime. Questions relating to violence against women were being examined by a number of agencies in the Government of the Federal Republic of Yugoslavia, including the ministries of human rights, labour, health, education and foreign affairs. Moreover, firm contacts had been established between the Government and the NGO community for the purpose of creating programmes to rehabilitate the victims of sexual abuse in war-torn areas.

39. Yugoslavia was satisfied with the work of the Special Rapporteur, Mr. T. Mazowiecki, in evaluating claims of rape and other crimes against women. She believed that the conclusion of Mr. Mazowiecki's report, namely, that rape had not been practised on a systematic basis by Serbian forces in the war, was satisfactory. However, her Government's own efforts to uncover the truth concerning rape allegations had frequently been impeded by difficulties arising as a result of the sanctions regime. For example, some international organizations had refused to send independent investigators to evaluate charges of rape. Nevertheless, her Government had made available to the Committee information which showed that Muslim soldiers, under orders from their Government, had captured women for the purpose of abusing them sexually. In the future, her Government would like to present that information to the war crimes tribunal which the United Nations had established for the former Yugoslavia. However, until that body began its work, Yugoslavia would continue to extend

(Ms. Arsenic, Federal Republic of Yugoslavia (Serbia and Montenegro))

shelter and rehabilitation assistance to all victims of sexual abuse on its territory, without discriminating against any particular ethnic group. On the question of whether there had been an increase in family violence in homes receiving refugees, she said that the programme to house refugees in people's homes had been entirely voluntary. In her view, factors other than national origin, including unemployment and other forms of economic hardship, were more closely related to the incidence of family violence.

40. To date, Yugoslavia had few resources to devote to the problem of AIDS. Moreover, since the Government was unable to conduct a testing programme, little information was available as to the prevalence of the disease. While there was reason to believe that AIDS could be widespread among rape victims, it had not been possible to gather data on that question.

41. It was difficult to know precisely the total level of unemployment of women in Yugoslavia, as women who were registered as unemployed frequently found work in the informal sector; conversely, many women who normally would have employment were unemployed as a result of the economic crisis. While the Government was making an effort to organize public works construction programmes, budgetary constraints stemming from Yugoslavia's fiscal difficulties made such programmes prohibitively expensive. The main concern of the Government was to assist workers so that they could remain in their jobs until the productive capacity of the country could be revived. In that sense, Government programmes focused more on social development than on economic development.

42. Ms. NIKOLIC (Federal Republic of Yugoslavia) said that a federal law on family planning was currently being drafted. There were significant regional differences in population growth as a result of differing birth and mortality rates and migration. The economic crisis and war in the former Federal Republic of Yugoslavia was threatening the biological potential of the country: the birth rate had declined from 5.3 per cent in 1989 to 3.5 per cent in 1992. Over the same period, the number of women visiting doctors and family-planning centres had dropped by 34 per cent. Owing to the lack of adequate medicine and contraceptives, abortion still remained the most frequent method of terminating unwanted pregnancies. For instance, in 1992, 154,000 babies had been born while 201,000 abortions had been performed. Studies conducted in late 1992 and early 1993 among some 400 women had established that some of the basic reasons for the high incidence of abortion in Yugoslavia, despite the availability of contraceptives, included the lack of sex education, ignorance of the risks associated with induced abortions, the psychological barriers to the use of contraceptives and the absence of institutionalized modern concepts of family planning.

43. Concerning the status of prostitutes, as indicated in the report before the Committee, prostitution as a profession was not criminalized in the Yugoslav criminal legislation. Violence against, and rape of, prostitutes were not criminalized as separate offences but in the general legislation protecting prostitutes as other citizens. She agreed that they were probably young women

(Ms. Nikolic)

from the territory of the former Yugoslavia travelling to neighbouring countries to practise what experts from the Institute of Criminology and Social Research in Belgrade, in their ongoing study of the problem, had called "weekend prostitution". The study was being conducted in cooperation with women's NGOs in Yugoslavia and other parts of the former Yugoslavia, particularly Croatia. The question of prostitution among young people had also been raised in recent talks with Mr. Mazowiecki's mission to investigate the status of children in the former Federal Republic of Yugoslavia who were affected by the war and sanctions. While no official data were so far available, there was obviously an increase in prostitution among upper- and middle-class girls who resorted to weekend prostitution in order to survive the hardship triggered by the war and economic sanctions.

44. The CHAIRPERSON thanked the representatives of Yugoslavia for their detailed replies to the questions asked by the Committee. Committee members had expressed both their sadness at the situation of women in Yugoslavia as a result of the violence imposed on them by war and their solidarity with them and with all citizens of Yugoslavia who were victims of that conflict and suffered in addition from the sanctions. They had indicated their profound concern about rape, which reflected the extreme vulnerability of women. As a result of the conflict, women had been marginalized and denied access to basic elements of survival such as health care, food and housing. The Committee had clearly indicated that such crimes harmed the dignity of women and children, the main victims, as human beings. It therefore urged the women of Yugoslavia to do their utmost to influence the process of establishing peace in their country and bringing about a halt to all types of violence and atrocities against women.

45. Ms. BUSTELO said that she categorically rejected the representative of Yugoslavia's contention that her Government had nothing to do with the violations of human rights and violence against women occurring in Bosnia and Herzegovina.

46. Ms. Arsenic, Ms. Nikolic and Mr. Djordjevich (Federal Republic of Yugoslavia (Serbia and Montenegro)) withdrew.

The meeting rose at 12.40 p.m.